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Congress of the United States
House of Representatives
Washington, DC 20515

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February 8, 2005

Mr. William Sessions
USDA Associate Deputy Administrator
Country of Origin Labeling Program
Room 2092-S
Agricultural Marketing Service
USDA STOP 0249
1400 Independence Avenue SW
Washington DC 20250-0249

Re: Docket No. LS-03-04

Dear Mr. Sessions,

I am writing this letter on behalf of numerous constituents adversely affected by the Country of Origin Labeling (COOL) rule, specifically as it pertains to the question of "wild" versus "farm raised" shellfish. Due to the unique characteristics of shellfish, differentiating between farmed and wild is difficult, if not impossible. As a species grown in an open marine environment, where natural spawning occurs, a one-size-fits-all definition simply does not apply.

As you no doubt know, growers commonly collect "wild" spat and plant it on "controlled" or "managed" beds. Many growers, particularly on the West Coast, supplement wild caught seed with hatchery seed, which is grown together. In this situation, determining which COOL category is most applicable is virtually impossible.

Moreover, a labeling program for molluscan shellfish is particularly problematic for processing houses on all coasts. For example, many processors purchase from multiple vendors both wild and farmed shellfish. These shellfish are generally transported together to the processor. Distinguishing between the fish, and continually switching from the "farmed" to the "wild" label, is an onerous requirement.

It seems the rule was initially intended to provide labeling information for finfish and other motile species, such as shrimp, where a clear differentiation exists. Attempting to apply this standard to a relatively immobile species grown in a "wild" environment is far more problematic.

Mr. William Sessions

February 8, 2005

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Accordingly, I ask you to provide an exemption for molluscan shellfish from the "wild" versus "farmed" labeling requirement and to require only country of origin labeling for such species. Exempting molluscan shellfish in this manner will ease the burden inadvertently imposed on the industry.

Thank you for your consideration of this request, and I look forward to working with you on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian Baird", written over a light-colored rectangular background.

Brian Baird

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January 31, 2005

Country of Origin Labeling Program
Room 2092-S
Agricultural Marketing Service
USDA Stop 0249
1400 Independence Ave SW
Washington, D.C. 20250-0249

RE: Docket No.-LS-03-04
Mandatory Country of Origin
Labeling of Fish and Shellfish
Interim Final Rule

Attn: Bill Sessions

Dear Bill,

I would like to submit my comments to you on the Mandatory Country of Origin Labeling for Fish and Shellfish, USDA final rule. The change from the original definition would mean we would have to change our current packaging and printing plates, in addition to having new ones made to reflect "wild caught/"farm raised". This alone is quite a costly venture. The "oysters" come from either a leased bottom bed(farm raised)or public bottom bed (wild-caught), which in many cases are side by side. It would be very difficult to distinguish between the two, since they are not only harvested the same way they are also alike in every way. The bureaucracy of the additional record keeping and paperwork and trying to keep the product separate would be ludicrous.

I would like to recommend that for now we maintain the same definition as we have been using. I wish to thank you in advance for considering these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark H. Bryan".

Mark H. Bryan
President